

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DARRELL GOLDEN,

Plaintiff,

VS.

CHRISTOPHER KELLY,

Defendant.

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NO. 5:15-CV-119-MTT-MSH

ORDER

Pro se Plaintiff Darrell Golden, an inmate currently confined at Macon State Prison in Oglethorpe, Georgia, filed a complaint under 42 U.S.C. § 1983 but did not pay the filing fee or file a proper motion to proceed without the prepayment of the filing fee. In an Order dated April 15, 2015, the United States Magistrate Judge directed Plaintiff to submit a certified copy of his prison trust fund account statement or similar certified documentation from the prison and to refile his Complaint on standard § 1983 forms. Plaintiff was warned that failure to comply with the Court's Order would result in dismissal of Plaintiff's action. Plaintiff was further advised that if he wished to withdraw his complaint without paying a filing fee, he should file a motion to dismiss the action. Plaintiff was given twenty-one (21) days to comply with the Court's Order. (Order 1-2, Apr. 15, 2015, ECF No. 5.)

When Plaintiff failed to comply, the Magistrate Judge ordered Plaintiff on May 27, 2015 to respond and show cause why his lawsuit should not be dismissed for failure to comply with the Court's orders and instructions. Plaintiff's response was due within

twenty-one (21) days of the date of the Order, and Plaintiff was again advised that failure to respond would result in dismissal of Plaintiff's Complaint. (Order 1-2, May 27, 2015, ECF No. 6.)

The time for responding to the Show Cause Order has passed, and Plaintiff has still failed to file a proper motion to proceed *in forma pauperis* and a recast complaint as ordered by the Magistrate Judge, or any response whatsoever to the Show Cause Order explaining why he failed to timely comply with the Magistrate Judge's April 15, 2015 Order.

Plaintiff's failure to fully and timely comply with these orders leads the Court to believe that he is no longer interested in pursuing this case. Thus, because of Plaintiff's failure to pay the required filing fee, failure to comply with the Court's instructions and orders, and failure to otherwise diligently prosecute this action, his Complaint shall be **DISMISSED without prejudice**. See Fed. R. Civ. P. 41; see also *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 30th day of June, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT